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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SPRINT COMMUNICATIONS COMPANY L.P., )  
 )  
Plaintiff, )  
 ) C.A. No. 18-2033-RGA  
v. )  
 )  
CHARTER COMMUNICATIONS, INC., )  
et al., )  
 )  
Defendants. )

Wednesday, February 19, 2020  
3:30 p.m.  
Conference

844 King Street  
Wilmington, Delaware

BEFORE: THE HONORABLE RICHARD G. ANDREWS  
United States District Court Judge

APPEARANCES:

POLSINELLI PC  
BY: CHRISTINA BELITZ VAVALA, ESQ.  
BY: STEPHEN KRAFTSCHIK, ESQ.

-and-

SHOOK, HARDY & BACON  
BY: RYAN J. SCHLETZBAUM, ESQ.

Counsel for the Plaintiff

1 APPEARANCES CONTINUED:

2  
3 RICHARDS LAYTON & FINGER, PA  
4 BY: KELLY E. FARNAN, ESQ.

5 -and-

6 COOLEY LLP  
7 BY: DAVID EISEMAN, ESQ.

8 Counsel for the Defendants

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11 P R O C E E D I N G S

12 (REPORTER'S NOTE: The following conference was held  
13 in chambers, beginning at 3:30 p.m.)  
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15:26:53 16 THE COURT: Good afternoon. Please be seated.

15:32:12 17  
15:32:22 18 So this is a discovery matter in Sprint versus  
15:32:25 19 Charter, Civil Action Number 18-2033. So for plaintiff,  
15:32:35 20 Mr. Kraftschik, Ms. Vavala, and so Mr. Kraftschik, are you  
15:32:42 21 now in the same firm as Ms. Vavala?

15:32:45 22 MR. KRAFTSCHIK: I am. As of three days ago, I  
15:32:50 23 am at Polsinelli.

15:32:58 24 THE COURT: Off the record.

15:33:00 25 (Discussion off the record.)

15:33:02 1 THE COURT: Who do you have with you here?

15:33:08 2 MS. VAVALA: Mr. Ryan Schletzbaum from Shook,  
15:33:12 3 Hardy & Bacon.

15:33:12 4 THE COURT: I have seen Mr. Schletzbaum a few  
15:33:14 5 times before.

15:33:14 6 And Ms. Farnan, you're still with Richards?

15:33:17 7 MS. FARNAN: Yes, Your Honor, as far as I know.

15:33:20 8 THE COURT: I don't know anything.

15:33:21 9 All right. Who do you have with you here?

15:33:23 10 MS. FARNAN: David Eiseman from Quinn Emanuel.

15:33:26 11 MR. EISEMAN: Good afternoon, Your Honor.

15:33:27 12 THE COURT: All right. So I read these letters  
15:33:29 13 and I think I know what I want to do which is it seems to me  
15:33:31 14 that the parties negotiated ten custodians and it turned out  
15:33:41 15 that Sprint only has five. And you know, I think that's  
15:33:51 16 maybe something that should have been disclosed while you  
15:33:51 17 were negotiating. So what I propose is Charter only needs  
15:33:59 18 to do five. Have you already named ten or what have you  
15:34:01 19 done so far?

15:34:02 20 MR. EISEMAN: We have named ten, Your Honor.

15:34:05 21 THE COURT: So you get to pick which five, so  
15:34:07 22 you can pick whichever ones seem like the most fruitful.

15:34:12 23 MR. SCHLETZBAUM: Of the current list, or any  
15:34:14 24 five we choose?

15:34:15 25 THE COURT: I assume the current list because

15:34:18 1 isn't the current list -- I mean, you know who is on the  
15:34:20 2 current list and why -- yeah, yeah, now that I'm thinking  
15:34:23 3 about it, yeah, from the current list.

15:34:25 4 MR. SCHLETZBAUM: The reason I asked, you may  
15:34:27 5 have saw this in our proposal, the compromise to avoid the  
15:34:31 6 hearing altogether was to agree to the five limit if you  
15:34:34 7 would include among those five a custodian who had  
15:34:37 8 information relative to willfulness.

15:34:39 9 THE COURT: Yes, when you said that, I was  
15:34:42 10 thinking there is something up here and you're talking about  
15:34:44 11 the in-house counsel that people have been arguing over and  
15:34:47 12 over again.

15:34:49 13 MR. SCHLETZBAUM: Not just in-house counsel,  
15:34:51 14 that was two examples that we identified as someone that we  
15:34:54 15 knew or suspected knowledge of willfulness. But anybody  
15:34:56 16 else -- we would certainly prefer to have Mr. Abramov. If  
15:34:59 17 there is another witness that they can include that has  
15:35:01 18 evidence of willfulness, we would be happy with that, and we  
15:35:04 19 would need a technical witness and on their list there is  
15:35:06 20 ten technical witnesses as we understand it.

15:35:10 21 THE COURT: Right. And just remind me in terms  
15:35:12 22 of a willfulness witness so to speak, you just don't have  
15:35:14 23 one or what?

15:35:16 24 MR. EISEMAN: We don't, Your Honor. You know,  
15:35:19 25 we're not going to resist willfulness discovery. They can

15:35:22 1 get it through document request and interrogatories, but in  
15:35:26 2 terms of there were no subject matter requirements for who  
15:35:29 3 or what type of custodian should be picked, so we picked the  
15:35:32 4 five or now ten, ten and now five that we thought had the  
15:35:35 5 most discoverable information. None of them are willfulness  
15:35:42 6 witnesses, but we're not going to deny them the opportunity  
15:35:45 7 to take depositions on the issue.

15:35:47 8 THE COURT: Is there somebody in particular  
15:35:51 9 other than Abramov who is somebody you think who is out  
15:35:52 10 there who has this information?

15:35:55 11 MR. SCHLETZBAUM: We know Mr. Abramov had some  
15:35:57 12 unique deals with Sprint in both these patents and the  
15:35:59 13 patents in the related cases and I appreciate the  
15:36:02 14 representation that they're not going to deny us that  
15:36:04 15 discovery in document request through related cases. We're  
15:36:07 16 still trying to get that information through whatever  
15:36:11 17 procedure and mechanism we can. And I don't want to argue  
15:36:14 18 that here today.

15:36:14 19 THE COURT: Good idea.

15:36:15 20 MR. SCHLETZBAUM: I don't have somebody in mind  
15:36:17 21 other than Mr. Abramov. I'm not privy to their  
15:36:19 22 inner-workings or who would be aware of Sprint's  
15:36:22 23 inner-workings.

15:36:25 24 THE COURT: So lets do this, they named ten  
15:36:27 25 technical people, pick five, they can do the five.

15:36:29 1 Somewhere down the line if you develop somebody other than  
15:36:37 2 Abramov as somebody who is, you know, still there and  
15:36:43 3 particularly good on willfulness, and it kind of strikes me  
15:36:47 4 that you probably won't just because it seems if I'm not  
15:36:53 5 confusing it with something else, part of the reason is  
15:36:56 6 because there have been prior discussions, right, this whole  
15:37:03 7 point of Abramov was he was involved in negotiating things  
15:37:07 8 back in the day.

15:37:08 9 MR. SCHLETZBAUM: Yes, he had interactions with  
15:37:10 10 Sprint's in-house counsel pre-suit about the patents and  
15:37:13 11 also was aware of Sprint's enforcement efforts in other  
15:37:16 12 cases.

15:37:16 13 THE COURT: Right. And I think maybe I saw this  
15:37:20 14 in here, you know who you dealt with, if there was somebody  
15:37:24 15 else besides Abramov, maybe there wasn't, so presumably if  
15:37:28 16 you actually had -- maybe you only dealt with him which is  
15:37:31 17 why you don't have another name to suggest. But when you  
15:37:34 18 get your hands on the paper discovery, you know, if it -- if  
15:37:41 19 something has come up that makes it appear somehow you have  
15:37:44 20 been hoodwinked here, which I doubt that it will, see if you  
15:37:50 21 can't figure out some remedy between yourself and if not,  
15:37:52 22 come back, remind me that I said this. Okay?

15:38:00 23 MR. SCHLETZBAUM: Very good.

15:38:01 24 THE COURT: Because otherwise I will forget.  
15:38:03 25 All right. So you have the ten names. Can you pick your

15:38:08 1 five custodians and how long will it take you to do that?

15:38:12 2 MR. SCHLETZBAUM: A couple days I would imagine.

15:38:14 3 THE COURT: Why don't you do it by the end of  
15:38:16 4 next week. Alright?

15:38:17 5 MR. EISEMAN: Thank you, Your Honor.

15:38:18 6 THE COURT: Sorry to make you come here. I  
15:38:21 7 don't know why I read this over the weekend and, you know,  
15:38:26 8 didn't crystalize in my mind until very recently what I  
15:38:30 9 thought I should be doing here.

10 (Conference concluded at 3:38 p.m.)

11

12 I hereby certify the foregoing is a true and  
13 accurate transcript from my stenographic notes in the proceeding.

14 /s/ Dale C. Hawkins  
15 Official Court Reporter  
16 U.S. District Court  
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